

# **TOWNSHIP COMMITTEE MEETING – DECEMBER 7, 2009**

7:30 PM MUNICIPAL BUILDING, 770 COOPERTOWN ROAD., DELANCO, NJ 08075

**ROLL CALL:** Devinney, present; Hinkle, present; Jass, present; Templeton, present; Fitzpatrick, present

**Also Present:** Mr. Denton, Twp. Engineer; Mr. Heinold, Twp. Solicitor; Mrs. Lohr, Municipal Clerk; Ms. Zimmermann, Deputy Municipal Clerk; Mr. Fenimore, Supt. of Public Works; Sergeant DeSanto, Police Dept.

## **FLAG SALUTE**

Mayor Fitzpatrick led the flag salute.

## **SUNSHINE STATEMENT:**

Please be advised that proper notice of this meeting has been given in compliance with the Open Public Meetings Act in the following manner. Written notice has been mailed to the Burlington County Times and Courier Post and published in the January 5, 2009 editions. Written notice has been posted on the official bulletin board of the Township of Delanco at least 48 hours prior to the meeting.

## **MOMENT OF SILENCE**

Mayor Fitzpatrick asked for a moment of silence in remembrance of the 68<sup>th</sup> anniversary of the bombing of Pearl Harbor. Mayor Fitzpatrick also remembered the Veterans that continue to serve us so that we may keep our freedom.

## **ORDINANCE 2009-17**

### **BOND ORDINANCE PROVIDING FOR THE TOWNSHIP'S DEVELOPMENT OF PENNINGTON FARM PARK LOCATED AT BLOCK 2100, LOTS 12 & 12.01 ON CREEK ROAD IN AND BY THE TOWNSHIP OF DELANCO, IN THE COUNTY OF BURLINGTON, NEW JERSEY, APPROPRIATING \$300,000 THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$300,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF**

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF DELANCO, IN THE COUNTY OF BURLINGTON, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) PURSUANT TO THE PROVISIONS OF THE LOCAL BOND LAW, CHAPTER 169 OF THE LAWS OF 1960 OF THE STATE OF NEW JERSEY, AS AMENDED AND SUPPLEMENTED ("LOCAL BOND LAW"), AS FOLLOWS:

Section 1. The improvement described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Township of Delanco, New Jersey. For the improvement or purpose described in Section 3, there is hereby appropriated the sum of \$300,000. Pursuant to N.J.A.C. 5:30-2.2, there is no down payment requirement in the context of a State Green Acres Loan.

Section 2. In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$300,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the Township's development of recreational and related improvements at Pennington Farm Park, and described on the Township tax map as Block 2100, Lots 12 and 12.01 for preservation and other public purposes, including all costs necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget of the Township of Delanco is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose that the Township may lawfully undertake, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the

authorization of the bonds and notes provided in this bond ordinance by \$300,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) No amount for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

(e) The Mayor, the Township Administrator, the Chief Financial Officer, the Township Attorney, the Township Planner, the Township Engineer and other appropriate representatives of the Township (the "Township Representatives") are hereby authorized to undertake the project for the development of the recreational and related improvements to the Pennington Farm Park described in Section 3 hereof on behalf of the Township. The Mayor of the Township, and any other Township Representatives as may be necessary, are further authorized to execute any contracts, and the Township Clerk is authorized to attest such execution in forms recommended by the Township Attorney. The signatures thereon shall provide conclusive evidence that the forms of the contracts have been so approved. The Township Representatives are authorized to do all things necessary and to execute any such documents as may be reasonably necessary to effectuate the project.

Section 7. Any grant or loan moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 8. The chief financial officer of the Township is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Township and to execute such disclosure document on behalf of the Township. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Township pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Township and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Township fails to comply with its undertaking, the Township shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 9. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 10. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Section 11. In the event that any section or part of this ordinance shall be declared to be unconstitutional, invalid, or inoperative, in whole or in part, by a court of competent jurisdiction, such section or part shall, to the extent that it is not unconstitutional, invalid, or inoperative, remain in full force and effect and no such determination shall be made to invalidate the remaining sections or parts of this ordinance or the ordinance as a whole.

**\*3rd READING BY TITLE ONLY**

**MEETING OPEN TO THE PUBLIC**

Mayor Fitzpatrick opened the meeting to the public.

- Victor Vittorino, Pennsylvania Avenue stated his support of the ordinance.
- Marissa Karamanoogian, Kansas Avenue, stated she was in support of the ordinance.
- Rich Furniss, Laurel Street, wanted to thank everyone that came out tonight and stated that he is in support of the ordinance.
- Brian Anatol, Falcon Lane, stated his support of the ordinance.
- Peter Hatton, Illinois Avenue stated his support of the ordinance.
- Fern Ouellette, Rancocas Avenue, stated his support of the ordinance.
- Phil McFadden, Maple Avenue stated his support of the ordinance.
- Joe Galvano, Magnolia Lane, stated his support of the ordinance.
- Maureen Barrett, Delaware Avenue questioned if a company or business in Delanco gets a pilot deal; do they pay the open space tax? Ms. Barrett, speaking on behalf of the Delanco Library urged that when considering future pilot deals that they think about all the volunteers in Delanco

**MEETING CLOSED TO THE PUBLIC**

Since there were no further comments or questions from the public, Mayor Fitzpatrick closed the meeting to the public.

Motion by Joan Hinkle, seconded by Marlene Jass to adopt Ordinance 2009-17

**ROLL CALL:** Devinney, yes; Hinkle, yes; Jass, yes; Templeton, yes; Fitzpatrick, yes

**COMMENTS – PROFESSIONALS**

**Township Engineer – Mr. David Denton**

- wished everyone best wishes for the Holiday season and the coming year

**Township Engineer – Mr. Douglas Heinold**

- commented that this was a year with many issues that were resolved favorably
- commended Committeeman Ed Devinney for his services to the Township

**COMMENTS - DEPARTMENT HEADS**

**Superintendent of Public Works – Mr. John Fenimore**

- reported that they are working on the third pass through the Township for leaf pick-up
- received the new chipper and is planning to clean and sweep all the streets in Delanco before Christmas
- commented on the maintenance of the fields – fields are worn out – he guaranteed that somehow, someday the Public Works Department will maintain the fields at Pennington Park

**Police Department – Sergeant Jess De Santo – Nothing to report**

**Municipal Clerk – Mrs. Janice Lohr – Nothing to report**

**COMMENTS - TOWNSHIP COMMITTEE**

**Ed Devinney –**

- attended the Fire Commissioners meeting and stated that you might be surprised to know that the tax levy by the Fire Commissioners will not be going down but instead will be raised by 4%

Mayor Fitzpatrick requested a copy of the Washington Fire Companies budget

**Joan Hinkle –**

- thanked Ed Devinney for his service to Delanco Township

**Mike Templeton –**

- thanked Ed Devinney for his four years of service to Delanco Township and stated that he will miss him
- wished everyone a safe and happy Holiday Season

**Marlene Jass –**

- attended the DYSA meeting and they are moving forward with programming
- went to the DYSA Beef and Beer on Saturday and it was a great turn out
- announced that the Historic Preservation Advisory Commission is going to have their reorganization on January 6, 2009 – still openings and anyone can submit their letter of interest to be on their board
- announced that the Recreation Commission has their annual Holiday Carriage Rides on Saturday at 6:00 PM and they ask that everyone bring a canned good in addition to the \$3.00 fee for the ride

**Mayor Fitzpatrick –**

- attended the Governors Excellence Awards at the Governors Mansion – had submitted Miranda Pawline’s D.R.O.P. program and she won the award and was presented with it that day – the Township Committee will recognize Miranda Pawline at the Reorganization Meeting in January 2010 for receiving the Honorable Mention Award
- welcomed Santa Claus to the Township at the tree lighting ceremony at the Washington Fire House
- attended DYSA’s Beef and Ale and it was a great event
- thanked Ed Devinney for the pleasure to serve with him over the years

**CONSENT AGENDA ITEMS:**

(“Consent Agenda items are considered to be routine and will be enacted with a single motion. Any item requiring discussion will be removed from the Consent Agenda; all Consent Agenda items will be reflected in full in the minutes.”)

Mayor Fitzpatrick stated that she will be removing Ordinance 2009-18 from the Consent Agenda to be voted on separately.

**CONSENT AGENDA:**

**ORDINANCE 2009-19**

**AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED “AN ORDINANCE OF THE TOWNSHIP OF DELANCO PROVIDING FOR AND DETERMINING THE RATE OF COMPENSATION OF OFFICERS AND EMPLOYEES”**

**\*1<sup>ST</sup> READING BY TITLE ONLY AND SET PUBLIC HEARING DATE FOR  
DECEMBER 29, 2009, 7:00pm**

**RESOLUTION 2009-145**

**SPECIFYING THE SALARIES OF EMPLOYEES WITHIN THE DELANCO TOWNSHIP**

BE IT RESOLVED by the Township Committee of the Township of Delanco, County of Burlington and State of New Jersey that:

Section 1. Based on budget determinations by the Township Committee of the Township of

Delanco to set the salary of those employees not covered by a bargaining agreement, the Township Committee does hereby establish a two percent (2%) increase for the year 2009 as per the salary rates for the employees specified on the following Schedules. Salary rates for employees covered by collective bargaining agreements were reflected in salary resolution 2009-120 previously adopted by the governing body

Section 2. The Township Clerk is hereby directed to forward a copy of this resolution to the Chief Finance Officer/Treasurer of the Township of Delanco in order that he may be made aware of salary rates herein supplied and pay the appropriate amounts, retroactive to January 1, 2009.

<u>SCHEDULE A</u>		<u>WEEKLY RATE</u>	
		<u>Previous Under Resolution</u>	<u>New with 2%</u>
		<u>2009-120</u>	
Janice Lohr	Township Clerk	1,128.50	1,151.07
	Registrar of Vital Statistics	41.50	42.33
	Housing Officer	115.38	No change
Mario DiSibio	Clerk\Typist	687.90	701.66
Carla Sarlo	Clerk\Typist	687.90	701.66
Karen Zimmermann	Clerk\Typist	687.90	701.66
	Dep. Registrar	10.83	11.05
Nancy Bray	Police Records Clerk	687.90	701.66
Phil Goffredo	Zoning\Code Enforce. Officer	1,079.85*	1,089.57
*( 55% of this salary is reimbursed by Riverside Twp via a shared service agreement)			
Jennifer Esposito	Court Administrator	549.79	560.79
Robert Hudnell	Chief Financial Officer	601.54	613.57
Lynn Davis	Tax Collector	644.00	656.88
John Fenimore	Supt. – Public Works	1,463.27	1,492.54
Louis Marino, Jr.	Animal Control Officer	85.63	87.34

<u>SCHEDULE B</u>		<u>MONTHLY RATE</u>	
		<u>Previous Under Resolution</u>	<u>New with 2%</u>
		<u>2009-120</u>	
Nicolas Costa	Prosecutor	1,121.08	1,143.50
Gregory McCloskey	Mun. Court Judge	1,357.58	1,387.73
Jane Ballinghoff	Recreation Comm. Secy.	135.17	137.87
Marissa Braun	Shade Tree Comm.Secy.	118.42	120.79
Edward Schaefer	Constr. Code Official	1,158.27	1,181.44
	Bldg. Sub Code Official	1,303.05	1,329.11
	Electr.Sub Code Official	434.35	443.04

<u>SCHEDULE C</u>		<u>HOURLY RATE</u>	
		<u>Previous Under Resolution</u>	<u>New with 2%</u>
		<u>2009-120</u>	
Linda Lewis	Police Matron	12.98	13.24
Linda Lewis	School Traffic Guard	14.06	14.34
Loretta Ash	School Traffic Guard	10.82	11.04
Irene Faust	School Traffic Guard	14.06	14.34
Nancy Jefferies	School Traffic Guard	14.06	14.34
Dorothy Lieberum	School Traffic Guard	14.06	14.34
Dianne Louder	School Traffic Guard	12.44	12.67
Tina Simon	School Traffic Guard	14.06	14.34

Rosemary Stahl	School Traffic Guard	14.06	14.34
Larry Stearns	Police Records Clerk	16.87	17.21
Katherine Martin	Joint Land Use Bd. Secy.	17.50	18.85
Carol Gunkel	Janitorial	13.50	13.77

**PAYMENT OF BILLS**

<u>ACCOUNT</u>	<u>AMOUNT</u>
GENERAL	\$547,986.32
PAYROLL	76,930.58
CAPITAL	31,556.00
TRUST	1,882.50
MCPL OPEN SPACE	4,940.00

**GENERAL ACCOUNT – DECEMBER 7, 2009**

25700	DELANCO TWP BOARD OF EDUCATION	449,675.09
25701	DELANCO FIRE COMMISSIONERS	26,500.00
25702	DOCUMENT CONCEPTS INC	116.50
25703	DIGIULIOS FOOTWEAR PLUS	671.95
25704	HERITAGE CLEANERS & TAILOR LLC	132.00
25705	LAND ENGINEERING & SURVEYING	500.00
25706	JOHN MILLER	577.50
25707	MICHELMAN & BRICKER PC	900.10
25708	NJ AMERICAN WATER CO	227.53
25709	NJ STATE HEALTH BENEFIT PROG	32,830.82
25710	PEDRONI FUEL CO	1,781.60
25711	PAYROLL ACCOUNT	6,757.61
25712	RIVERSIDE NAPA AUTO PARTS	34.10
25713	RECYCLE BANK LLC	914.00
25714	SOUTH JERSEY SANITATION	11,426.25
25715	TERMINIX INTERNATIONAL	121.00
25716	TREASURER COUNTY OF BURLINGTON	13,372.32
25717	TROUT PRINTING	235.00
25718	MICHAEL W THOMPSON	577.50
25719	VERIZON	416.07
25710	W B MASON CO INC	218.98
<b>TOTAL</b>		<b>\$547,986.32</b>

**TRUST**

2131	LAND ENGINEERING & SURVEYING	833.75
2132	TAYLOR DESIGN GROUP INC	677.50
2133	HULSE & GERMANO ESQS LLC	371.25
<b>TOTAL</b>		<b>\$1,882.50</b>

**CURRENT**

25698	PAYROLL ACCOUNT	41,163.95
25699	PAYROLL ACCOUNT	35,766.63
<b>TOTAL</b>		<b>\$76,930.58</b>

**CAPITAL**

1535	VERMEER NORTH ATLANTIC SALES	31,556.00
<b>TOTAL</b>		<b>\$31,556.00</b>

**MCPL OPEN SPACE**

1024	TREASURER STATE OF NJ	4,940.00
<b>TOTAL</b>		<b>\$4,940.00</b>

**APPROVAL OF CONSENT AGENDA**

Motion by Marlene Jass, seconded by Mike Templeton to approve the consent agenda

**ROLL CALL:** Devinney, yes; Hinkle, yes; Jass, yes; Templeton, yes; Fitzpatrick, yes

Mayor Fitzpatrick stated that she would like to do a resolution for the Historical Preservation Advisory Board to amend the resolution to change the appointments for the Township Committee member and the Joint Land Use Board be changed from three years to one year.

**RESOLUTION 2009-146**

**RESOLUTION AMENDING RESOLUTION 2005-56 AND 2005-77 GOVERNING THE HISTORIC PRESERVATION ADVISORY BOARD**

**WHEREAS**, the Township Committee of the Township of Delanco ("Township") desires to amend its prior Resolutions governing the Historic Preservation Advisory Board to change the membership terms of the Township Committee representative and the Joint Land Use Board representative.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Delanco, County of Burlington, State of New Jersey, that Resolutions 2005-56 and 2005-77 are hereby amended with regard to numbered paragraph 2 as follows:

2. Membership. Members of the Historic Preservation Advisory Board shall be appointed by the Township Committee on motion. All initial appointments shall be retroactive to January 1, 2005. The Historic Preservation Advisory Board shall consist of nine (9) members as follows:
  - (a) One member, who shall be a member of the Delanco Township Committee, to be appointed to a term of one (1) year. If said member's term on the Township Committee expires prior to the expiration of the one-year term on this Council, the term on this Council shall be co-terminus with the member's term on Township Committee. In said event, another member of the Township Committee shall be appointed to serve the unexpired term of the previous member.
  - (b) One member, who shall be a member of the Delanco Township Joint Land Use Board, to be appointed to a term of one (1) year. If said member's term on the Joint Land Use Board expires prior to the expiration of the one-year term on this Council, the term on this Council shall be co-terminus with the member's term on the Joint Land Use Board. In said event, another member of the Joint Land Use Board shall be appointed to serve the unexpired term of the previous member.
  - (c) Seven members of the citizenry of Delanco Township, of at least eighteen (18) years of age. Four members (designated as members three, four and five and six) shall be appointed to initial terms of two (2) years, and thereafter to terms of three (3) years. The remaining three members (designated as members seven,

eight and nine) shall be appointed to initial terms of one (1) year, and thereafter to terms of three (3) years.

Motion by Marlene Jass, seconded by Joan Hinkle to adopt Resolution 2009-146 amending  
**ROLL CALL:** Devinney, yes; Hinkle, yes; Jass, yes; Templeton, yes; Fitzpatrick, yes

### **ORDINANCE NO. 2009-18**

### **VACATING UNIMPROVED PORTION OF DELAWARE AVENUE**

### **1<sup>st</sup> READING BY TITLE ONLY AN SET PUBLIC HEARING DATE FOR DECEMBER 29, 2009 AT 7:00P.M.**

Motion by Ed Devinney, seconded by Mayor Fitzpatrick to approve Ordinance 2009-18 on first reading by title only and set public hearing date for December 29, 2009 at 7:00p.m..

**ROLL CALL:** Devinney, yes; Hinkle, yes; Jass, no; Templeton, yes; Fitzpatrick, yes

The Municipal Clerk, Mrs. Janice Lohr stated that the reason the meeting is rescheduled to December 29<sup>th</sup> because the meeting for December 21<sup>st</sup> is rescheduled for December 29, 2009.

### **MEETING OPEN TO THE PUBLIC FOR COMMENTS AND QUESTIONS**

Mayor Fitzpatrick opened the meeting to the public.

1. Victor Vittorino, Pennsylvania Avenue stated that he wanted to take this opportunity to thank Committeeman Ed Devinney for his four years of service to the Township.
2. Phil Jenkins, 415 Third Street stated that he did not understand the purpose or what is going on with Ordinance 2009-18. The Township Solicitor, Mr. Douglas Heinold explained the ordinance stating that this only affects a portion of Delaware Avenue. The ordinance essentially resolves an ongoing piece of litigation that has been costly and cumbersome to the Township.
3. Christine Martinez, 230 Cleveland Avenue, Riverside New Jersey, announced that she received a letter from DYSA stating that she was no longer allowed to coach and she was not allowed to attend the Beef and Beer. Ms. Martinez asked the Township Committee what she could do because she wants to be a coach.

The Township Solicitor, Mr. Douglas Heinold stated that the township does fund DYSA but the Township does not have control over DYSA and they don't govern their bylaws.

Mayor Fitzpatrick suggested that Ms. Martinez appeal to DYSA because the Township has no control or authority over DYSA.

4. Steve Schofield, 400 Burlington Avenue, questioned the procedure for paying bills out of the Open Space Fund.
5. Maureen Barrett, 621 Delaware Avenue, reported that the trash cans at the end of the streets on Delaware Avenue need to be emptied more often especially with the new one day trash pickup schedule.

### **MEETING CLOSED TO THE PUBLIC**

Since there were no further comments or questions from the public, Mayor Fitzpatrick closed the meeting to the public.

**CORRESPONDENCE – Municipal Clerk – Mrs. Janice Lohr – Nothing to report**

**DISCUSSION ITEMS:**

**1. 2010 Township Committee Meeting Schedule**

Mayor Fitzpatrick made two additions to the January schedule. A discussion ensued regarding the meeting dates.

Committeeman Ed Devinney thanked everyone for their comments tonight and encouraged more residents to get involved and put in a couple years because they need more people.

**ADJOURNMENT**

Motion by Joan Hinkle, seconded by Ed Devinney to adjourn the meeting.

**ROLL CALL:** Devinney, yes; Hinkle, yes; Jass, yes; Templeton, yes; Fitzpatrick, yes

Janice M. Lohr, RMC  
Municipal Clerk  
December 7, 2009